



April 15, 2010

Honorable Martin Glenn  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, NY 10004-1408

**Robert M. Hirsh**

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Re: *In re BH S&B Holdings LLC, et al.*,  
Debtors Chapter 11 Case No. 08-14604 (MG) (Jointly Administered)

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*Official Committee of Unsecured Creditors, on behalf of Debtors v. Harold Kahn*,  
Adv. Proc. No. 09-01289 (MG) ("Kahn Adversary Proceeding")

*Official Committee of Unsecured Creditors, on behalf of Debtors v. 45220 Inc.*,  
Adv. Proc. No. 09-01352 (MG) ("45220 Adversary Proceeding")  
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Dear Judge Glenn:

We represent the Official Committee of Unsecured Creditors (the "Committee") in the above-referenced adversary proceedings and write to Your Honor regarding two administrative issues and to request Your Honor "So Order" the enclosed proposed stipulation and order relating to the scheduling of discovery in the 45220 Adversary Proceeding.

First, we are pleased to report that the parties are concluding fact discovery in the Kahn Adversary Proceeding pursuant to Your Honor's February 17, 2010 Case Management Order. All fact discovery and depositions are scheduled to be completed on or before April 30, 2010.

Second, the parties have exchanged tens of thousands of documents in the 45220 Adversary Proceeding and held two days of depositions. Based on recent deposition testimony it was revealed that there is additional necessary document discovery and deposition testimony relevant to the claims and defenses in the 45220 Adversary Proceeding. As of the date of this letter, the parties have determined that an extension of the fact discovery cutoff date is necessary and have negotiated a proposed schedule to allow for the additional document production, review and depositions.

**Arent Fox**

Accordingly, we respectfully request Your Honor to “So Order” the enclosed proposed Amended Case Management Order, which reflects the parties’ agreed-upon dates and procedure regarding the conduct of discovery and contemplated motion practice in the 45220 Adversary Proceeding.

Respectfully Yours,

*/s/ Robert M. Hirsh*

Robert M. Hirsh

cc: James A. Sarna, Esq.  
Jennifer L. Saffer, Esq. (w/o enclosure)